

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 9004

October 26, 2021

SUMMARY OF BILL: Prohibits a state or local government official, entity, department, or agency from requiring proof of COVID-19 vaccination to enter the premises of a state or local government entity, or mandating a private business to require such proof.

Prohibits state agencies and political subdivisions of this state from promulgating, adopting, or enforcing a rule or ordinance that requires a COVID-19 vaccination for those who object on religious grounds or by right of conscience. Removes the prohibition for students of public institutions of higher education who are subject to the rules and policies of a private office that delivers healthcare services or of a healthcare facility when the student is participating in a program of study in medicine, dentistry, pharmacy, or another healthcare profession.

Prohibits the governor, state, or political subdivisions from suspending any provisions in the proposed legislation by emergency order.

Prevents a person, private business, state or local government official, entity, or agency from compelling proof of a COVID-19 vaccination by a person, employee, or consumer who objects for personal conscience, religious belief, or medical reasons. Requires a person who objects to vaccination for medical reasons to provide documentation by a treating physician.

Authorizes a person injured by a violation of the provisions of this legislation to bring a private action for injunctive relief and recover costs, including attorney's fees. Establishes that any such action will not be subject to the proceedings of the *Tennessee COVID-19 Recovery Act*.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The U.S. Supreme Court issued a ruling in February 20, 1905, *Jacobson v. Massachusetts*, upholding the right of states to compel vaccination.
- Each state decides which vaccines are required based on recommendations from the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices (ACIP).
- Immunization or vaccination for COVID-19 is currently not required by any state or local governmental entity in Tennessee. Prohibiting any such future requirement will not result in a significant fiscal impact to the state or local government.

- The proposed legislation will not significantly impact any programs or policies of state or local governments; therefore, any fiscal impact is estimated to be not significant.
- If the proposed legislation prohibits a state or local entity or private business from following any future federal vaccination mandate, federal funding could be jeopardized.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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